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April 4, 2010

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AT 8:30
WILLIAM T. WALSH M
CLERK

To Be Made Part of Official Record

Re; PURPURA et al v SEBELIUS 3:10-cv-04814-GEB-DEA

Dear Judge Wolfson:

Again, ~~We the people~~, Plaintiffs respectfully request in the interest of substantial justice this Honorable Court issue the ruling for the Plaintiffs that this Court said would be issued on the 22nd of February 2011. In view of the fact that before her Honor are 19-violations of the U. S. Constitution and statutory law.

Defendants at each point in this case have failed to respond to the original petition, failed to respond to the motion for Summary Judgment and failed to obey the Court's order to respond to each and every Count.

Defendants stated they would respond to the Petition answering each Count claiming they would prove each Count without merit. Unable to answer *any* of the Counts the Defendants chose to ignore the Petition. Plaintiffs clearly proved, based upon Law and the FRCP, that ignoring an allegation is an affirmative acknowledgment. Therefore, said allegation must be recognized by the Court to be accurate, truthful and factual. By ignoring the original Petition and failing to answer, Defendants acknowledged all of the Counts in the Petition are accurate, true and factual. The Court must therefore rule in the favor of Plaintiffs on each and every Count by Law as set forth in the FRCP.

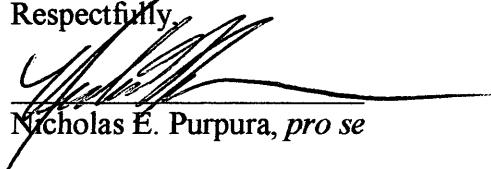
Forced to respond to a Summary Judgment Defendants chose to stall and prevaricate by misrepresenting Plaintiffs' Petition, misrepresenting existing case law, as well as numerous Supreme Court and lower Court rulings. Defendants went so far as to attempt to paraphrase the language of the unconstitutional "Act" itself as if that would show the "Act" was constitutional. The "Act" in-of-itself distorts Supreme Court precedent to justify its unconstitutional provisions. Unable as before to answer each and every Count Defendants chose to try and stall rather than answer as required by Law.

And when ordered by this Court to answer every Count, Defendants responded with a filing all English teachers would give a failing grade. Defendants, insulting this Court, submitted a filing that was incoherent, casuistically and incomplete. Defendants "reply" interposed "answers" to one Count while claiming to answer another. Each supposed answer in the screed when

extricated from the spurious verbiage of the "reply" was shown by Plaintiffs to be meaningless. But Defendants only presented "responses" to some Counts and not all Counts as ordered by the Court. Therefore the Court is obligated by Constitutional Law and her Honor's sworn duty to uphold the Constitution under Article VI to rule for the Plaintiffs in reference to the Counts not answered by the Defendants. It is irrefutable Defendants, failed to answer and/or prove any of the Counts to be inaccurate, false or without merit. It is incumbent upon this Court to rule in favor of Plaintiffs on all Counts and not protract this matter any longer.

Is this Court going to be an Appius Claudius or Publius Servilius? Or is the Court going to obey and rule in accordance to the Law and the United States Constitution?

Respectfully,



Nicholas E. Purpura, *pro se*



Donald R. Lester, *pro se*

cc. Ethan P. Davis United States Justice Department (Washington, D.C.)

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